

**DELEGATION OF AUTHORITY
THE COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION, AND LIABILITY ACT (CERCLA)**

Deferral of the CERCLA Section 120(h)(3) (A)(ii)(I) Covenant Requirement for
Parcels of Real Property at Federal Facilities Listed on the National Priorities List (NPL)

1. **AUTHORITY.** Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended by the National Defense Authorization Act of 1997, to defer under CERCLA section 120(h)(3)(C)(i), with concurrence of the Governor or his delegatee, the covenant requirement under 120(h)(3)(A)(ii)(I) with respect to real property located at a Federal facility that is listed on the National Priorities List, after a determination that property is suitable for transfer. The finding of suitability to transfer must include the criteria set forth in CERCLA section 120(h)(3)(C)(i).
2. **TO WHOM REDELEGATED.** To the Director, Superfund and Emergency Management Division, or equivalent.
3. **LIMITATIONS.**
 - a. The regional administrator or division director must notify the AA for OLEM, or his/her designee, prior to exercising this authority, at the time the Federal agency requesting deferral provides notice of the proposed transfer as required by CERCLA section 120(h)(3)(C) (i)(III).
 - b. The regional administrator or division director must consult with the Office of Regional Counsel prior to exercising any of these authorities.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the division director level, or equivalent.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **SUPERSESSION.** This delegation supersedes R10 14-41 (04/20/2012) and any other delegation of the same authority.
6. **ADDITIONAL REFERENCES.**
 - a. Section 120 of CERCLA.
 - b. CERFA (P.L. 102-426).
 - c. Section 334 of the National Defense Authorization Act of 1997.
 - d. EPA Delegation 14-41.

June 27, 2018
Date


Chris Hladick
Regional Administrator